

AMENDED IN ASSEMBLY APRIL 14, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 672**

**Introduced by Assembly Member Honda**

February 26, 1997

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An act to ~~add Section 798.62 to~~ amend Section 798.73 of, and to add Section 798.89 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 672, as amended, Honda. Mobilehome parks: mobilehome removal transfers.

*Existing law allows the management of a mobilehome park, in the event of a sale of the mobilehome to a 3rd party, to require that the mobilehome be removed from the park if, among other factors, it is in a significantly rundown condition or in disrepair. In these circumstances, the management of the park is prohibited from requiring repairs or improvements to the park space or property owned by the management, except for damage caused by the homeowner.*

*This bill would delete the foregoing prohibition as it applies to the removal of a significantly rundown mobilehome. However, this bill would provide that, in the context of any sale or transfer of a mobilehome that will remain in the park, the management of the park shall not require repairs or improvements to the park space or property owned by the management, except for damage caused by the homeowner.*

~~Existing law provides for the regulation of tenancies within a mobilehome park. Existing law prohibits the management of a mobilehome park from requiring the removal of a mobilehome from the park in the event of its sale to a third party during the term of the homeowner's rental agreement except when the mobilehome is in a significantly rundown condition or in disrepair, as determined by the general condition of the mobilehome and its acceptability to the health and safety of the occupants and to the public, exclusive of its age, as specified.~~

~~This bill would provide that the management may require removal whenever the mobilehome is in a significantly rundown condition, or is in such disrepair, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 798.62 is added to the Civil Code,~~  
2     ~~to read:~~

3     ~~798.62. The management may require the removal of~~  
4     ~~a mobilehome from the park whenever it is in a~~  
5     ~~significantly rundown condition or in disrepair, as~~  
6     ~~determined by the general condition of the mobilehome~~  
7     ~~and its acceptability to the health and safety of the~~  
8     ~~occupants and to the public, exclusive of its age. The~~  
9     ~~management shall use reasonable discretion in~~  
10    ~~determining the general condition of the mobilehome~~  
11    ~~and its accessory structures. The management shall bear~~  
12    ~~the burden of demonstrating that the mobilehome is in~~  
13    ~~a significantly rundown condition or in disrepair. The~~  
14    ~~management shall not require repairs and improvements~~  
15    ~~to the park space or property owned by the management,~~  
16    ~~except for damage caused by the homeowner.~~

17    ~~SECTION 1. Section 798.73 of the Civil Code is~~  
18    ~~amended to read:~~

19    ~~798.73. The management shall not require the~~  
20    ~~removal of a mobilehome from the park in the event of~~  
21    ~~its sale to a third party during the term of the~~  
22    ~~homeowner's rental agreement. However, in the event of~~

1 a sale to a third party, in order to upgrade the quality of  
2 the park, the management may require that a  
3 mobilehome be removed from the park where:

4 (a) It is not a “mobilehome” within the meaning of  
5 Section 798.3.

6 (b) It is more than 20 years old, or more than 25 years  
7 old if manufactured after September 15, 1971, and is 20  
8 feet wide or more, and the mobilehome does not comply  
9 with the health and safety standards provided in Sections  
10 18550, 18552, and 18605 of the Health and Safety Code and  
11 the regulations established thereunder, as determined  
12 following an inspection by the appropriate enforcement  
13 agency, as defined in Section 18207 of the Health and  
14 Safety Code.

15 (c) The mobilehome is more than 17 years old, or more  
16 than 25 years old if manufactured after September 15,  
17 1971, and is less than 20 feet wide, and the mobilehome  
18 does not comply with the construction and safety  
19 standards under Sections 18550, 18552, and 18605 of the  
20 Health and Safety Code and the regulations established  
21 thereunder, as determined following an inspection by the  
22 appropriate enforcement agency, as defined in Section  
23 18207 of the Health and Safety Code.

24 (d) It is in a significantly rundown condition or in  
25 disrepair, as determined by the general condition of the  
26 mobilehome and its acceptability to the health and safety  
27 of the occupants and to the public, exclusive of its age.  
28 The management shall use reasonable discretion in  
29 determining the general condition of the mobilehome  
30 and its accessory structures. The management shall bear  
31 the burden of demonstrating that the mobilehome is in  
32 a significantly rundown condition or in disrepair.—~~The~~  
33 ~~management shall not require repairs and improvements~~  
34 ~~to the park space or property owned by the management,~~  
35 ~~except for damage caused by the homeowner.~~

36 *SEC. 2. Section 798.89 is added to the Civil Code, to*  
37 *read:*

38 *798.89. In the case of a sale or transfer of a*  
39 *mobilehome that will remain in the park, the*  
40 *management of the park shall not require repairs or*

1 *improvements to the park space or property owned by*  
2 *the management, except for damage caused by the*  
3 *homeowner.*

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